

AO 242 (12/11) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

## UNITED STATES DISTRICT COURT

for the  
DISTRICT OF New JerseyRECEIVED  
AUG - 3 2022  
AT 8:30 \_\_\_\_\_ M  
WILLIAM T. WALSH  
CLERKSamuel Maldonado

Petitioner

v.

Case No. \_\_\_\_\_

(Supplied by Clerk of Court)

S. Merendino, Warden

Respondent

(name of warden or authorized person having custody of petitioner)

## PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

## Personal Information

1. (a) Your full name: Samuel Maldonado  
(b) Other names you have used: \_\_\_\_\_
2. Place of confinement:  
(a) Name of institution: F.C.I. Fairton  
(b) Address: PO BOX 420  
Fairton N.J 08320  
(c) Your identification number: 70478-018
3. Are you currently being held on orders by:  
☒ Federal authorities    ☐ State authorities    ☐ Other - explain: \_\_\_\_\_
4. Are you currently:  
☐ A pretrial detainee (waiting for trial on criminal charges)  
☒ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime  
If you are currently serving a sentence, provide:  
(a) Name and location of court that sentenced you: United States District Court  
middle District F.L.  
(b) Docket number of criminal case: 3:17-cr-00179-TSC-PDG  
(c) Date of sentencing: 4/22  
☐ Being held on an immigration charge  
☐ Other (explain): \_\_\_\_\_

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**Decision or Action You Are Challenging**

5. What are you challenging in this petition:

☒ How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)☐ Pretrial detention☐ Immigration detention☐ Detainer☐ The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)☐ Disciplinary proceedings☐ Other (explain): \_\_\_\_\_

6. Provide more information about the decision or action you are challenging:

(a) Name and location of the agency or court: \_\_\_\_\_

(b) Docket number, case number, or opinion number: \_\_\_\_\_

(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed): \_\_\_\_\_

(d) Date of the decision or action: \_\_\_\_\_

**Your Earlier Challenges of the Decision or Action**7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

☒ Yes☐ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: B.O.P. StaffT. Patrone, SCSS(2) Date of filing: 6/10/22(3) Docket number, case number, or opinion number: \_\_\_\_\_(4) Result: Denied(5) Date of result: 7/7/2022(6) Issues raised: time credit computation incorrect petitioner ismissing 18 months jail time/pre-sentence credit under 3585(b)(5)  
See exhibit A

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(b) If you answered "No," explain why you did not appeal: \_\_\_\_\_

8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

☒ Yes☐ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: BOP stuff MR. SmithF.C.I. Fairton N.J.(2) Date of filing: 7/7/22

(3) Docket number, case number, or opinion number: \_\_\_\_\_

(4) Result: Denied(5) Date of result: 7/7/22(6) Issues raised: Jail time credit under BOP Guideline, Criminal Law § 84 - credit - official detention & USCS § 3585(b)(5)(8) Related to 18 months of missing jail time credit (See Exhibit B)

(b) If you answered "No," explain why you did not file a second appeal: \_\_\_\_\_

9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

☒ Yes☐ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: B.O.P. F.C.I. Fairton warden(2) Date of filing: 7/7/22

(3) Docket number, case number, or opinion number: \_\_\_\_\_

(4) Result: The warden failed to respond within the allowed 20 day time rendering appeal process "UNAVAILABLE"

(5) Date of result: \_\_\_\_\_

(6) Issues raised: time computation Release date incorrect under The Bail Reform Act • Criminal Law § 84 credit for presentence time served - official detention, under 18 USCS § 3585 (1) construing § 3585(b) in conjunction

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with the Bail Reform Act-as must be done because the Bail Reform act is a body of law  
 and enacted in the same statute as § 3585(b) See Exhibit C-1  
 The prison Failed to Respond Rendering the Administrative Appeals process  
 UNAVAILABLE within the meaning of the PLRA, please see Memorandum of Law

(b) If you answered "No," explain why you did not file a third appeal: \_\_\_\_\_

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

☐ Yes ☒ No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

☐ Yes ☐ No

If "Yes," provide:

- (1) Name of court: \_\_\_\_\_  
 (2) Case number: \_\_\_\_\_  
 (3) Date of filing: \_\_\_\_\_  
 (4) Result: \_\_\_\_\_  
 (5) Date of result: \_\_\_\_\_  
 (6) Issues raised: \_\_\_\_\_

(b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

☐ Yes ☒ No

If "Yes," provide:

- (1) Name of court: \_\_\_\_\_  
 (2) Case number: \_\_\_\_\_  
 (3) Date of filing: \_\_\_\_\_  
 (4) Result: \_\_\_\_\_  
 (5) Date of result: \_\_\_\_\_  
 (6) Issues raised: \_\_\_\_\_

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- (c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: \_\_\_\_\_

N/A

11. **Appeals of immigration proceedings**

Does this case concern immigration proceedings?

☐ Yes

☒ No

If "Yes," provide:

- (a) Date you were taken into immigration custody: \_\_\_\_\_  
(b) Date of the removal or reinstatement order: \_\_\_\_\_  
(c) Did you file an appeal with the Board of Immigration Appeals?

☐ Yes

☐ No

If "Yes," provide:

- (1) Date of filing: \_\_\_\_\_  
(2) Case number: \_\_\_\_\_  
(3) Result: \_\_\_\_\_  
(4) Date of result: \_\_\_\_\_  
(5) Issues raised: \_\_\_\_\_

- (d) Did you appeal the decision to the United States Court of Appeals?

☐ Yes

☒ No

If "Yes," provide:

- (1) Name of court: \_\_\_\_\_  
(2) Date of filing: \_\_\_\_\_  
(3) Case number: \_\_\_\_\_

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(4) Result: \_\_\_\_\_

(5) Date of result: \_\_\_\_\_

(6) Issues raised: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_**12. Other appeals**

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

☐ Yes☒ No

If "Yes," provide:

(a) Kind of petition, motion, or application: \_\_\_\_\_

(b) Name of the authority, agency, or court: \_\_\_\_\_  
\_\_\_\_\_

(c) Date of filing: \_\_\_\_\_

(d) Docket number, case number, or opinion number: \_\_\_\_\_

(e) Result: \_\_\_\_\_

(f) Date of result: \_\_\_\_\_

(g) Issues raised: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_**Grounds for Your Challenge in This Petition**

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.

**GROUND ONE:**

B.O.P. has not issued time credit under Criminal Law 84 - credit for presentence time served - official detention 3585(D)(b), this is a due process violation and Double Jeopardy claim doing the same jail time twice, or other constitutional violation



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(a) Supporting facts (Be brief. Do not cite cases or law.):

Criminal Law § 84 credit for presentence time served  
 allows BOP to adopt an alternative construction allowing credit  
 where a defendant is subject to jail-type confinement as petitioner  
 was from 6/6/18 to 12/14/19 and present

(b) Did you present Ground One in all appeals that were available to you?

☒ Yes☐ No

**GROUND TWO:** BOP has not Read The Bail Reform act As congress  
 said it must construing § 3585(b)(2) other related sentencing provisions  
 confirm the interpretation that credit under § 3585(b) for time spent in  
 official detention where petitioner was detained 24/7 in correctional facility  
 (a) Supporting facts (Be brief. Do not cite cases or law.): This is a Due process violation or other, Double Jeopardy  
 BOP has not Read Criminal Law § 84- credit for presentence time  
 served- official detention, MR. maldonado did not get credit from 6/6/18  
 to 12/14/19 and This is a violation of Double Jeopardy and Due process  
 petitioner is entitled to all jail time credit under Criminal Law § 84 § 3585(b)  
 (1)(2)(3)(4)(5)(8) MR. maldonado computation time is not correct

(b) Did you present Ground Two in all appeals that were available to you?

☐ Yes☐ No

**GROUND THREE:** Due process violation, Double Jeopardy claim

(a) Supporting facts (Be brief. Do not cite cases or law.):

BOP has not Followed Their own Rules A Bureau of Prisons Internal  
 guideline requires credit for time spent under a detention order, petitioner  
 was under a court detention order from 6/6/18 to present therefore BOP  
 is Required under the law and its own guideline to issue the 18 or 20  
 months jail time credit, A writ and a detention order are not the same

(b) Did you present Ground Three in all appeals that were available to you?

☒ Yes☐ No

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**GROUND FOUR:**

(a) Supporting facts (Be brief. Do not cite cases or law.):

(b) Did you present Ground Four in all appeals that were available to you?

☐ Yes☐ No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not:

There is only the Full time credit complaint which is part of this ~~the~~ Filing Reason being is because the warden never Responded by the Due Date of 7/28/22 And his Failure made the grievance Administrative appeals process UNAVAILABLE within the meaning of the PLRA (See *Lizama v Fordley* NO 19-15691, 2021)

**Request for Relief**

15. State exactly what you want the court to do: to have BOP Follow Criminal Law 84 under USCS 3585(b)(2)(3)(4)(5)(8) and Adopte this policy as an Administrative convenience as BOP did in the KATZ and Willis Rule or Find another way to Award the 18-20 months of missing Jail time ~~and~~ credit. If BOP Resists the Bail Reform Act with 3585(b)(2)(3)(4)(5)(8) and Congress intended it and follow there own memo petitioner can get his 18 or 20 month missing Jail time credit

[Additional pages are attach supporting each ground]



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**Declaration Under Penalty Of Perjury**

If you are incarcerated, on what date did you place this petition in the prison mail system:

7/29/22

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date:

7/29/22



*Signature of Petitioner*

*Signature of Attorney or other authorized person, if any*

Time credit complaint RECEIVED

Petitioner has Exhausted All

Administrative Remedies

AUG - 3 2022

Additional Page's supporting claim

WILLIAM T. WALSH  
CLERK

1) Petitioner brings this Civil Action before this court. Because the warden failed to respond as B.O.P. Regulations state it must, nor was any notice that additional time was needed by B.O.P. warden filed, a warden's like the Bureau of Prisons, had a deadline to response written into the Rules, and no notice of extension of time was ever filed and any extension of time by B.O.P. must be filed before the response date, which was 7/28/22?

2) The prison's failure to respond by due date, where the matter is serious to petitioner's freedom of 18 months jail time credit, is a matter the prison should not take lightly. Failure of the warden to respond to Mr. Maldonado's grievance made the administrative appeals process "unavailable" within the meaning of the PLRA, see *Fordley v. Lizarraga*, Case No 19-15691, 2021 US App LEXIS 33395 (9th Cir. Nov 10, 2021). where inmates take reasonably appropriate steps (as Mr. Maldonado did), to exhaust but are precluded from doing so by a prison's erroneous failure to process the grievance, the court said, "The exhaustion requirement is satisfied."

1) Example

Just like a court deadline to file a notice for extension time in a civil action or a petitioner's case can be dismissed, the B.O.P. must follow the Rules to.



- 3) Defendants will argue Mr Maldonado did not exhaust the BP-10 and BP-11 remedies and this argument will be without merit because of the ruling in Fordley v. Lizarraga.
- 4) The PLRA states that "No action shall be brought with respect to prison conditions by a prisoner confined in any jail, prison, or other correctional facility until such Administrative remedies as are available are exhausted, the same Reasoning the court used Applies to Mr Maldonado's claim, F.C. I. Fainton ~~Warden's~~ Failure to respond or give notice of extensions to Petitioner as B.O.P. Rules and Procedural due process requires, made the Administrative appeals process "unavailable" within the meaning of the PLRA, Fordley v Lizarraga, case no 19-15691, 2021 US App Lexis 33395 (9th Cir. Nov. 10, 2021) Therefore the Petitioner is allowed to move forward in this court, the Exhaustion requirement is satisfied because the warden did not ~~response~~ by the deadline of 7/26/22<sup>2)</sup> the Filed complaint was a time credit complaint<sup>2)</sup>
- 5) Petitioner has provided BP-8 and BP-9 with Also the Full Argument that would have been provided with BP 10, 11 So Petitioner will Argue the Full Complaint with this court.

2) Federal BOP. Regulations establish Procedures to resolve time credit complaints. IF A complaint cannot be Resolved informally, an inmate may Submit a written Request to the Prison warden 28 C.F.R. ~~§ 542.13~~ § 542.13. The warden has twenty days to Respond to the Formal Request. 28 C.F.R. 542.18, Failure to Respond Renders the Administrative Appeals process "unavailable" within the meaning of the PLRA. SEE Fordley v. Lizarraga case #19-15691 2021



MEMORANDUM OF DECISION  
Supporting Petitioner's exhausted Remedies claim  
AUG - 3 2022

## EXHAUSTING THE PRISONER THROUGH 'UNEXHAUSTION'

The Prison Litigation Reform Act, the law that made winning a lawsuit against the government for prison-related wrongdoing virtually impossible, turned 25 last year. Despite occasional calls for its repeal, the PLRA is solidly embedded in federal law, and its future seems assured.

One of the worst of the PLRA's limitations is the provision that makes exhaustion of available administrative exhaustion remedies a jurisdictional requirement. In other words, if you don't exhaust the BP-9, -10, and -11 remedies, the court lacks jurisdiction to even hear the case.

But what happens when the remedy process grinds to a halt? The 9th Circuit considered that question last week in the context of a California state prison proceeding, but the lessons apply to any exhaustion required by the PLRA, whether state or federal.

John Fordley was assaulted in 2016 while he was an inmate at a California state prison. He filed his first administrative remedy in March 2016, but the prison never processed it. In May 2016, he submitted a second administrative remedy about later events, but which nevertheless referred to the assault. The district court reasoned that because John mentioned the assault in the May grievance which the prison never answered, either, before John filed his lawsuit "an avenue of administrative relief remained open as of the time Fordley filed his 1983 complaint." Therefore, the district court reasoned, John "could not be excused from exhausting the March grievance." In other words, the May remedy "unexhausted" the March remedy.

The PLRA states that "No action shall be brought with respect to prison conditions by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted." Here, the appeals court held that the prison's failure to respond to John's March assault grievance made the administrative appeals process "unavailable" within the meaning of the PLRA. "Where inmates take reasonably appropriate steps to exhaust but are precluded from doing so by a prison's erroneous failure to process the grievance," the Court said, "the exhaustion requirement is satisfied."

The 9th rejected prison's argument that the May administrative filing kept the March filing alive: "A later-filed grievance that

alleges new complaints but refers to a previous and already-exhausted grievance for context does not render the first grievance unexhausted. Boiled down, defendants' suggestion is that we should consider the prison's response time to be so flexible that an administrative process would be deemed unexhausted when a prison neither responds nor provides notice that additional time is needed. Such a rule would obliterate the primary incentive for prisons to respond to inmates' grievances and leave inmates and courts guessing about whether and when suit may be filed."

The state prison, like the Bureau of Prisons, had a deadline for the warden's response written into the rules. Nevertheless, the prison argued that the courts "should not rigidly apply the response times in the regulations." But the regulations in effect "prohibited prison officials from obtaining extensions of time to respond to emergency grievances." At any rate, the Circuit said, "because the prison never responded, viewing the allowable response times as flexible does not help the defendants in this case. The prison was not just tardy in responding to the March grievance; it never responded at all."

Fordley v Lizarraga, Case No 19-15691, 2021 US App LEXIS 33395 (9th Cir. Nov 10, 2021)

<><>

*include*  
The wardens Failure to Respond to MR. Maldonado July grievance made the Administrative Appeals process "unavailable" within the meaning of the PLRA. MR. Maldonado took the steps appropriate to exhaust but was precluded from doing so by the wardens erroneous failure to process the grievance by the deadline of 30 days. MR. Maldonado's exhaustion requirement is satisfied (2021 US App LEXIS 33395 9th Cir Nov 10, 2021 U.S.C.A.)

## Argument For missing Jail-time- ~~not~~ credit

With Respect to Mr. Maldonado's claim, it is supported and governed by the decision in *DAVIS v. Attorney General*, 5 Cir. 1970, 425 F.2d 236, and other cases that will be cited in this claim.

1) ON 4/23/2018 The United States issued a Federal detainer<sup>b)</sup> which was lodged against Mr. Maldonado while on a state F.L. sentence. MR. Maldonado was also denied early release because of the Federal detainer<sup>c)</sup> lodged against him, and is now also being denied pre-sentence time spent in custody with the Federal offense<sup>d)</sup> since the detainer was issued upon authority of the Defendant's Federal conviction and sentence, 425 F.2d at 240. He is entitled to all pre-sentence time spent in Federal custody, 18 months of joint Federal and state custody.

2) B.O.P. has denied credit and has said MR. Maldonado is not entitled to credit period from 4/23/2018 to 12/14/2019, because MR. Maldonado was on a state sentence and that time was credit to his state sentence while he was in B.O.P. custody, and the denial of issue is not in line with the Bureau of Prisons internal guideline that requires credit for time spent under a detention order, NOR is it

1) 18 U.S.C.A. § 3568

B)

EXhibit B.

C) Footnote if not for the action pursuant to a writ of habeas corpus and prosequendum, Petitioner would have not served his state sentence to a full max term and would have been released on July 4, 2019 U.S.D.C. (and Cir.) 2000 137 F. Supp.2d 270



Official detention - Classified to U.S. Supreme Court Digest Lawyers Edition, under 18 USC § 3585(b)(1) construing § 3585(b) in conjunction with the Bail Reform Act - as must be done because the Bail Reform Act is the body of Law that Authorizes Federal courts to place Presentence restraints on a defendant's liberty, as in MR. Maldonado case. When a Detainer warrant was lodged, and MR. Maldonado was Remanded to the custody of the Attorney General by order of a Court Detention Order Dated 6/6/2016. The issue is not Double credit, because there is no Double credit issue here, the state issued time credit for the sentence MR. Maldonado Forfilled, with at any good time credit because of the Federal restraints put on Defendant because of the Detainer, But the Federal Gov/B.O.P. did not issue any pre-sentence time credit from 4/23/18 to 12/14/18 Reasons being that time was credited to another ~~sentence~~ sentence, and there is no proof of that, pre-sentence Federal and state time are not the same, state time and Federal time are Governed by different Rules and cannot be used together with two different crimes governed by two Jurisdictions.

4) The Federal Government cannot credit MR. Maldonado pre-sentence time to his state sentence, any Federal pre-sentence time spent in Federal custody must be credited to a Defendant's Federal sentence, the State ~~gave~~ gave the credit the Law allowed<sup>2)</sup>, but the Federal Gov/BOP has not under ~~3585(1)(b)(2)(3)(4)(5)(6)~~ 3585(1)(b)(2)(3)(4)(5)(6) even if there is a conflict in the Law or statute, Criminal Law § 84 - credit for presentence time served Allows B.O.P. to Forfill the Law ~~under~~ and under its own Rules of the Bureau of Prison's Internal Guidelines Requiring credit for time spent under a court ordered, Detention order~~s~~. There is no Double time credit issue, Double time implies, being issued Jail time credit twice on the same ~~prison~~ prison sentence<sup>3)</sup> and that's not the case here, the state applied its time for MR. Maldonado's state time, and that time credit is separated by Federal and State Jurisdiction in accrued time credits, when a Defendant is in Joint Federal and State custody at the same time. Double credit is not the issue.

Does not matter if a state inmate was in Federal custody.

2)

State and Federal sentence's are not the same

2



Case 1:22-cv-04874-KMW Document 1 Filed 08/03/22 Page 15 of 51 PageID 15  
5) 3585 provides that one day in pre-sentence detention equals one day of credit that can be applied only once. (2021 U.S. Dist. Lexis 122600: Zapata-Molina-Stone June 1, 2021) MR. Maldonado was only in ~~pre-sentence~~ pre-sentence custody of the Federal Government due to court ordered Detention.

6) A Defendant cannot be in Pre-sentence ~~and~~ status if he is already sentenced and is not a inmate, pre-sentence status applies only to Detainees that have been arrested because a Detainer has been lodged against them in connection with a Federal offense 18 U.S.C.A. § 3568, when a Federal Detainer is filed against a person, that is reflected as time spent in custody in connection with a federal offense 18 U.S.C.A. § 3568 and since a detainer was issued on 4/23/2018 upon the Authority of the Appellant's Federal conviction and sentence 425 F.2d at 240, he is entitled to the pre-sentence time from 6/6/2018 to 12/14/2019, to be added to his Federal Sentence, or from 4/23/18 to present.

7) MR. Maldonado was a pre-sentence Detainee to the Federal Government only, Not the state when he was writed over, he was not a pre-sentence Detainee in state custody, This Reasoning by B.O.P. is a conflict in the Law. There is also another issue because MR. Maldonado was also in "official detention", The U.S. court of appeals for the Third circuit reversed-holding that "official detention" for the purposes of credit under § 3585(b) included time spent under conditions of jail-type confinement (21 F.3d 558) MR. Maldonado was subjected to jail-type confinement while in official detention in the custody of the Attorney General from 6/6/2018 to present. MR. Maldonado was also in official detention at a Federal Detention Center not a state prison., As a pre-sentence Detainee, on certiorari

w) pre-sentence Federal time is applied to a Federal sentence with a state prison term and is not a state prison term and is not a state prison term

3



8) The United States Supreme Court Reverse Court Remanded

This issue MR. Maldonado is addressing as to 3585(b)(1)(2)(3)(4)(5), (8). There are 7 other ways B.O.P. can Apply the Jail-type, Confinement, Court detention order, Etc... without Addressing a Double credit issue, that Does not Apply here, because MR. Maldonado was a pre-sentence Detainee to The Federal Government only when he was writed over. ON Certiorari, The United States Supreme Court, in an opinion by Rehnquist, Ch. J., joined by <sup><pg. 47></sup> O'Connor, Scalia, Kennedy, Souter, ~~Thomas~~, Thomas, Ginsburg, and Breyer, JJ., it was held that the accused was not entitled to credit against his sentence of imprisonment for time spent at the treatment center, as that time was not "official detention" within the meaning of § 3585(b), <sup>[There's no mention of Joint custody or Double credit]</sup>  
A) Footnote: which B.O.P. did not do

9) because (1) construing § 3585(b) in conjunction<sup>1)</sup> with the Bail Reform Act leads to the conclusion that a defendant suffers "detention" only when committed to the custody of the Attorney General,<sup>2)</sup> ... (2) other Related Sentencing Provision's<sup>3)</sup> confirm the interpretation that credit under § 3585(b) for time spent "official detention" is available only to those defendants whose presentence detention was in a in a penal or correctional facility and who were subject to the control of the Bureau of Prisons. (Defendant was a presentence detainee in a penal or correctional facility, Baker County Correctional Facility for state and federal detainees and at all times subjected to the control of the B.O.P.)<sup>4)</sup> (3) The context of § 3585(b) strongly suggest that Congress, when it Reversed the credit statute, replacing the term "custody" with "official detention," disagreed with the prior Rule of Court of Appeals that denied credit to defendants who had been Released on bail,

2) Footnote, MR. Maldonado suffered detention when ordered by the US District Court thru a Detention order he was committed to the custody of the Attorney General 6/6/18 [Exhibit A] Does not matter if he was writed over the issue is he was committed to the custody of the Attorney General.

3) Footnote: That B.O.P. can use to Remedy the conflict and issue at hand

4) other why for B.O.P. to Apply pre-sentence Jail-time credit with out conflict.



10) (5) A Bureau of Prisons internal guideline requires credit for time spent under a detention order, but not time spent under Release order, [So if there is a conflict for the pre-sentence time MR Maldonado spent in the control of the Attorney General from 6/6/18 to 12/14/2019, This issue can be Remedied with B.O.P. Issuing the pre-sentence time credit thru its own internal guideline, because there is no Double credit issue. when dealing with Federal and State policy's. At All time Related to this claim MR Maldonado was in Joint custody]. (6) A Reading of 3585(b) under which the phrase "official detention" includes the restrictive conditions of the Accused's confinement is not the only plausible interpretation of the language ... (7) ....

11) Defendants who are detained (As In the case of MR Maldonado from 6/6/18 to 12/14/19 is the issue at hand) ~~are always~~ Defendants who ARE detained Always Remain Subject to the control<sup>5)</sup> of the Bureau of Prisons, And, (8) to Adopt an Alternative construction allowing credit where a defendant is subject to "Jail time confinement"<sup>6)</sup> would require a fact intensive inquiry into the circumstances of confinement, The circumstances of confinement was due to the issue of a Federal detainer issued on 4/23/18, which Remanded the Defendant in the custody of the Attorney General for a Federal offense 18 U.S.C.A. § 3568 that issued in a Federal sentence 425, F.2d at 21/6 Therefore MR Maldonado must be credited with the pre-sentence time from 6/6/18 to 12/14/19.

<sup>5)</sup> Footnote From 6/6/18 to present MR Maldonado was & still remains subjected to the control of B.O.P.

<sup>6)</sup> Footnote Below Allows b.o.p. to Adopt this Alternative to apply this Jail-time-credit, from 6/6/18 to 12/14/19 with out conflict or any Double credit issue.



12) Stevens, I dissented, expressing The view that The Supreme Courts decision leads to anomalous results,<sup>7)</sup> And that both the text and purpose of § 3585(b) contemplate that a person who is confined 24 hours a day, seven days a week, pursuant to a court order, is in "official detention" within the meaning of § 3585(b). See 115 S.Ct. 2021, 132 L.Ed.2d 46, 515 U.S. 50 Reno v. Wray No. 94-790

13) Indeed MR. Maldonado was subjected to the control of the B.O.P. and Remanded to the custody of the Attorney General from 6/6/18 to present and never returned to state prison, was denied early release from F.L. State prison because of the federal detainer lodged upon him since 4/23/2018, and this is reflected as time spent in custody in connection with a federal offense (18 U.S.C.A. § 3568) since the detainer was issued upon authority of the ~~Appellant's~~ Appellant's federal conviction and sentence", 425 F.2d at 240. Defendant was confined 24 HR's a day seven days a week pursuant to a court order at the Baker county and Nassau county Detention Center "AT ALL" times subjected to the control of the Attorney General. Under 3585(b). It should also be noted by the court the cited case law of the U.S. Supreme court never mentioned Double credit when it reversed and Remanded on certiorari and Reversed the Bail Reform Act in connection with 3585(b) and it would seem it provided another way for credit to be issued in a case like MR. Maldonado, is now addressing.

6

7) Failure, and that why conflict related to Double credit and joint custody jurisdiction issues need to be addressed



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14) The Bail Reform Act Read in conjunction and construing § 3585(b) and citing MR. Maldonado's claim under the Bail Reform Act construing 3585(b)(2)(3)(4)(5)(8) Allows the B.O.P. to credit all pre-sentence time from 6/6/18 to 12/14/19 plus the time related to the issue of the Federal Detainer that was issued on the authority of ~~the~~ the Appellants offense 18 U.S.C.A § 3568, in connection with the Federal offense that convicted the defendant, and sentence him, 425 F.2d at 240. Which would be altogether 20 months, BOP would be allowed to credit all pre-sentence with out any conflict to the law or double credit issues. Any conflict with the Bail Reform Act Read in conjunction as the U.S. Supreme court Explained it, with any cited B.O.P. Rule to deny the Request time credit would need to be remedied in the U.S. Supreme court, MR. Maldonado Reading and cited case law is in line with his Request, he was and still is Remanded to the control and custody of the Attorney General.

15) The defendants time in federal ~~custody~~ custody was not credited from 6/6/18 to 12/14/19, and was also not credit to his state sentence, the state credited MR. Maldonado prison time, not the Federal Government. The State Released MR. Maldonado on 12/15/2019, Not the Federal Government, the B.O.P had nothing to do with state prison issued time, and the B.O.P did not credit the time he was in federal custody to his state sentence, State and Government are two Different Jurisdictions, The Federal Government cannot not issue state time credit for a state prisoner, nor can a state prison issue time credit for a Federal prisoner or Detainee. State correctional facilities issue Jail-time, prison time for there state inmates, not Federal inmates, and Federal correctional facilities issue Jail-time, prison time credit for there Federal inmates not state inmates, each Jurisdiction has there own obligation under Law, and MR. Maldonado pre-sentence time from 6/6/18 to 12/14/19 was not credit to his state sentence that would be un-constitutional.



16) And if MR. Maldonado's pre-sentence time was credit to a state sentence that would create a Double Jeopardy clause issue, as addressed earlier, MR. Maldonado was a pre-sentence Federal detainee NOT a pre-sentence state detainee, so if the time MR. Maldonado spent under Remand to the Attorney General from 6/6/18 to 12-14-19 was credit to a state sentence that would be a violation of Due process AND A Double Jeopardy violation, because Federal pre-sentence time is Federal, not state, and if the above is what happened then that is a violation of the Double Jeopardy clause because MR. Maldonado is being force to do the same time he spent in Federal pre-sentence custody under a Federal court order twice.

17) And the Reasoning B.O.P. is using to deny MR. Maldonado the pre-sentence time credit, that is also contradictory of the cited case law enclosed in this claim, it is also silent or ambiguous to the issue's MR. Maldonado is addressing, there's NO explanation, and the Agency / B.O.P. Interpretation is Arbitrary, capricious, and clearly contrary to law, Related to the facts in this claim and Joint Jurisdiction over an Inmate / Detainee. And to deny pre-sentence time in federal custody, is a denial of Due process AND A Violation of the Double Jeopardy clause.

18) Writ or no writ MR. Maldonado spent 18 months in custody of the Attorney General by Remand due to a court order of Detention in connection with the offense or acts for which sentence was imposed 18 U.S.C.S § 3568 and was not credited for pre-sentence time spent under a court order of Detention that Remanded him to the control of the B.O.P., and Attorney General.



19) ~~the~~ because of the Detainer issued, that also issued in MR. Maldonado being writed over, and whether the State had Primary Custody or not the Federal Government had primary Custody over Defendant's body at all times, also Related to this Claim, and because of the Government's action, ~~his~~ was Denied his Early State Release date because of the detainer placed on him. ~~The~~ The detainer also falls under a connection of time/pre-sentence time spent in Federal custody, because of the Federal offense committed, under 18 U.S.C. 3568 (1970 U.S. App LEXIS 4) whether a Defendant is in custody of another Jurisdiction or on another sentence, once a detainer is lodged against him that is time spent in custody in connection with a Federal offense. There's no Double credit issue.

20) The detainer was issued upon the Authority of the Government's Federal conviction and sentence under 18 U.S.C. § 3568 (1970 U.S. App LEXIS 4) and any days spent in pre-sentence custody with the offense or acts for which a sentence was imposed, the B.O.P. must give all pre-sentence time credit from 6/6/18 to 12/14/19 in accordance with the Bail Reform Act Amend, in constraining § 3585(b)(2)(3)(4)(5)(8) in construction the same way the court addressed the issue of Jail-type credit- Any time spent in Federal custody must be credited for Federal pre-sentence time only, Federal time spent under a detention order cannot be credited to a State sentence, nor can pre-sentence State time be credited to a Federal sentence, to do this would be a Due process and a Double Jeopardy Violation, no Defendant should ever be Subject to doing the same pre-sentence time twice, it's un-constitution, un-fair and wrong.



21) As in the HUFFMAN decision noted that if the defendant received Federal credit time (2022 U.S. Dist. LEXIS 13) Served in State prison towards a state Sentence, he would receive improper double credit, Location is the issue at point also being addressed, ~~MR.~~ MR. MALDONADO was not in a state prison when the state gave MR. MALDONADO his time Served credit, he was in Federal custody so there is no double credit issue, Double credit applies only to being given credit time to the same Sentence or pre-sentence, it's being given time credit on the same prison term<sup>or sentence</sup> or Federal ~~term~~ term, MR. MALDONADO WAS given time credit for his State prison term, Not his pre-sentence time in Federal custody, whether be 1st or 2nd Jurisdictional Custody, The Fact Remains MR. MALDONADO was in Joint Jurisdictional Custody Related to two different Breaches of Government, And Neither Government can issue Jail-time-credit on behalf of the other, The State has an obligation to issue credit for the time MR. MALDONADO spent in their custody, and The Federal government has it obligation to issue Federal pre-sentence time MR. MALDONADO spent in their custody from 6/18/18 to present, under a court order. The court order also ~~at~~ triggers, The Bail Reform Act Read in conjunction with 3585(b)(2)(3)(4)(5)(8) as Congress intended it to be.

22) During the 18 or 20 months Petitioner was borrowed (cause that will be the B.O.P. Agreement) on a Federal writ 12 months before petitioner's Conditional release date from state custody, and during the 18 months in temporary custody, which is still custody Nevertheless, under a court order, and Remanded to the Attorney General, The State could not Release the petitioner.



23) MR. MALDONADO was not just borrowed, but he was never Returned to state custody, unlike in *Rosemond V. Mevfee*, 137 F. Supp. 2d 270 (S.D.N.Y.) (2000) a petitioner was borrowed on a writ and Returned to (2022 U.S. Dist. Lexis 15) state custody, but under these facts, the court held that the B.O.P. could not "unilaterally lengthen a petitioner's state sentence by use of a Federal writ, and that's exactly what B.O.P. did they borrowed MR. MALDONADO on a writ never Returned him to state custody, therefore, F.BOP unilaterally lengthened his state sentence because he was not Release on July 4, 2019 which was a early Release date, and then the F.BOP denied petitioners credit toward his Federal sentence - For time that was not credited toward his state sentence. <sup>The state sentence was</sup> ~~lengthened~~ lengthened solely by the actions of the Federal Authorities - ~~and~~ AND this represent a manifest injustice, whether Direct or indirect it's wrong.

24) There is no double-counting here, the State is Responsible for Issuing their own State Jurisdictional credit for time spent in their "custody", and the Federal Government is Responsible for their Federal Jurisdictional pre-sentence time credit to be issued to a person in their "control and custody". Due to court ordered Detention. Court ordered Detention trumps any double counting, and may or is a exception in line with the Bail Reform Act Read in conjunction with 3585(b)(2)(3)(4)(5)(8) BOP is allowed by law to Apply, the provisions of 3585(b)(2)(3)(4)(5)(8) to allow time credit to pre-sentence Federal Detainees. ~~As~~ ~~wrote over~~, these other provisions, allows B.O.P. to bypass any Double credit issues, it's just two ~~branches~~ Branches of Government using these provisions to issue a time credit for a person in custody.



# Jurisdictional Responsibility

## BRANCHES OF Government

25) Each Jurisdictional is Responsible for Issuing Its own Individual Responsibility, to use its own Jurisdictional power to Issue Jail-time-credit, to a person in their custody. Two Different crimes two Different courts of Jurisdiction, Responsible for Sentencing and Crediting pre-sentence time for a person in their custody, courts can agree to Run time and ~~add~~ cases together Concurrent, but Correctional powers of State and Federal cannot Issue, Jailtime credit for a ~~state~~ inmate, not sentence under their Jurisdiction, Nor can a State, Issue time credit for a person in pre-sentence Federal custody, Any more than a Federal Correctional Facility Issues credit for a state inmate not sentence under their care. This is also the Issue here, because B.O.P. is claiming petitioner's pre-sentence time, Federal time was credited to his State sentence, and that's why he was not credited with his time spent in B.O.P. custody from 6/8/14 to 12/14/19

26) And if this is the case, then this is a Violation of the Double Jeopardy clause and Due process Violation, A pre-sentence Detainee in Federal custody Between 6/8/14 to 12/14/19, being ~~forced~~ Force to do the same time twice is a Violation of Due process, because 3585(b)(2)(3)(4)(5)(8) Read in conjunction with the Bail Reform Act. As Congress intended it to be, for issues that are being cited in this case, cause there are no double credit issues if BOP Reads the above in conjunction with their computation, and follow their Rules of the Bureau of Prisons internal guideline that requires credit for time spent under a court order of detention, this is how the double credit issue ~~is~~ is not run in

A State Sentence opt - Different than  
A Federal Sentence un-less - RAN - together  
Concurrently

27) Each Jurisdiction of A State, or Federal prison System, is Responsible for Issuing its own Correctional Credit to their own inmates or detainees in their custody. The Federal Government cannot forfeit a Detainee's pre-sentence jail-time credit and credit it to a sentence inmate, in state custody. The Federal Government just as the State can only give time credit for a person in their ~~custody~~ <sup>custody</sup> under a court ordered Detention, and conviction.

28) being writed over from one Jurisdiction to another doesn't forfeit time under an indictment that issued in the charges that ~~was~~ writed a person in another Jurisdiction's custody, supported by a court order of detention.

29) The Petitioner, inmate/Detainee was in Joint custody at all times related to this claim, and each Branch<sup>9</sup> of Government was Responsible for Issuing its own time credit. There is no double credits if the State applies time credit from the time of MR. Maldonado's arrest to the end of his sentence. This is what the law requires, and there is no Double credit issue when a pre-sentence Detainee is in Joint custody, and ~~he~~ applies time credit from the time the Federal Government arrested MR. Maldonado and lodged him in its custody. There ~~is~~ <sup>is</sup> also another two ways MR. Maldonado can get the time credit he seeks, and other ways provided thru out this Argument.

8) Footnote, This is why there is the separation of Powers, the Federal Government cannot say your pre-sentence time in Federal custody was credit to your state sentence, Federal pre-sentence time can only be ~~at~~ applied to a Federal sentence, not a state inmates sentence, just to turn around and say oh we gave you time to another Jurisdiction, so the time you spent with us don't count you have to do it twice. The State has its own Jurisdiction and it applies its own credit.



## Sentencing corrections, modifications Reductions

30) ~~one~~ one is then the Detainer, which was lodged against him on 4/28/18, once a detainer is lodged against a person that is time spent in custody in connection with the [Federal] offense, [18 U.S.C.A. § 3568]. Since the detainer was issued upon the Authority of the Appellate Federal conviction and Sentence." 425 F.2d at 240. This would allow B.O.P. to credit MR. Maldonado's sentence from the time of his arrest to the issue of the Detainer from 4/28/18 to 12/14/2019 to run concurrent with his federal sentence now and reduce the time, so that MR. Maldonado can be closer to his Release date with out running in to any Double credit issues. See DAVIS V. Attorney General, 5 Cir. 1970, 425 F.2d 236. When a Federal Detainer is lodged against a person he is in custody. And this is time spent in custody in connection with the Federal offense [18 U.S.C.A. § 3568] MR. Maldonado was convicted of and Sentence" 425 F.2d at 240, The B.O.P. must credit, with all credit from 4/28/18 to 12/14/19 to run concurrent with his Federal Sentence because it part of All time credit, in B.O.P. custody. Mr. Maldonado also falls under the Willis Rule, and/or BOP program statement 5880.280,

31) or the B.O.P. can apply the provision's of 3585(b) Read in conjunction with the Bail Reform act and credit MR. Maldonado, under any ~~of these provisions~~ of these provisions of 3585(b)(2)(3)(4)(5)(8). The Bail Reform act was enacted in the same statute as § 3585(b) as Congress ~~intended~~ intended it, so that Double credit issue can be remedied with the provided, Construing of 3585(b) in conjunction with the Bail Reform Act, Criminal Law 84-credit for pre-sentence time served, See 115, SCT 2021, 132 LER at 46. 515 US 50 RENO V. KERRY NO. 94-790. 14

- 32) There is also other ways for B.O.P. to Apply the pre-sentence time Mr. Maldonado spent in Federal custody, From 4/23/18 to 12/14/19 that he was not credit with, IF BOP Believes there is a Double time credit issue and because of § 3585(b) as they cite as the Reason, then 3585(b)(8) Allow's the B.O.P. with NO conflict of Double credit, to Apply 3585(b)(8) to Adopt an Alternative Construction Allowing credit where a defendant, as in ~~the~~ MR. Maldonado case, is, or where subjected to Jail-time confinement, what one provision will not allow, the other will if applied this way.
- 33) The B.O.P. can Adopt the provision, of § 3585(b)(8) as it allows, Criminal Law 84 - credit for pre-sentence time served, indeed MR. Maldonado was serving, state prison time as the same time he was serving pre-sentence Federal time under a court order, which applies provision 3585(b)(5) B.O.P. Prison internal guideline requiring credit spent under a Detention order, which the court issued on 6/6/18.
- 34) MR. Maldonado was in custody of BOP since the issue of Detainer, as well, and placed in the custody of the Attorney General 24 HR's 7 days a week, in connection with a court order, Remand Detention order, and subjected to Jail-time confinement in a Federal Detention center, therefore the B.O.P. can apply and Adopt the Alternative from 3585 ~~(b)(5)~~ not allowing Double credit, to 3585(b)(8) which provides an Alternative to apply Jail-time-credit to Remedy the issue of being credited over, that's way it's called an Alternative, ~~it's another way~~ to fix an issue as in MR. Maldonado's case so that he can be alternatively credit all his pre-sentence, Jail-type confinement without a conflict in the law, the other provisions in 3585(b)(2)(A)(B)(C)(D)(E)(F) also ~~do~~ apply in this case.



## Fundamental Fairness (2000 U.S. Dist. LEXIS 11)

35) Other issues that need to be addressed, in general, The Bureau of prisons is "ordinarily not required to give credit toward a Federal Sentence for time spent by a prisoner serving a Sentence imposed by another Jurisdiction for an unrelated offense," *Shaw v. Smith*, 680 F.2d 1104, 1106 (5th Cir. 1982) (citing *Willis v. United States*, 438 F.2d 923, 925 (5th Cir. 1971)). However, case law has established the following exception to this basic rule. Time spent in state custody, even if an unrelated offense<sup>9)</sup>, must be credited toward time served on a Federal Sentence if the continued state confinement was exclusively the product of such action by Federal law-enforcement officials as to justify treating the state jail as the practical equivalent of a Federal one, if for example, a state defendant is denied bail solely because of a Federal Detainer issued against him, the time spent in (137 F. Supp. 2d 275) state custody awaiting trial on Federal charges must be credited to his Federal Sentence, and this is exactly what the Fed's did when they took Mr. Maldonado to Federal custody, because of the Detainer he was also denied Early Release from state custody, 680 F.2d at 1106 (internal quotation marks and citations omitted).

36) See also *Davis v. Attorney General*, 425 F.2d 238, 240 (5th Cir. 1970) (if Appellant was denied release (2000 U.S. Dist. LEXIS 12) on bail because the Federal detainer was lodged against him,

Footnote 9) But that's not the case in Mr. Maldonado's claim, his Federal charge is related to his state charge, and because of his state charge the Federal Government charged him with the current charge he is now serving.



37) Then that was time" spent in connection with the Federal offense, in Maldonado's case. The Detainer was issued on 4/28/18 in connection with the Federal offense that triggered the issue of a writ that allowed the Federal Government to bring MR. Maldonado in to their custody, and that action's played a big part in Maldonado being denied "Early Release from a state prison" —, and since the detainer was issued upon Federal Authority, ~~and~~ MR. Maldonado is entitled to credit, All pre-sentence credit from 6/6/18 to 12/14/19 to be added to his current Federal sentence under 18 U.S.C. § 3568). Brown v. United States, 489 F.2d 1036, 1037 (8th Cir. 1974) (per curiam)

38) MR. Maldonado also asks the court <sup>ad</sup> to recognize the Authority of Davis'), United States v. Blankenship, 733 F.2d 433, 434 (6th Cir. 1984) The evolved legal precedent also teaches that the credit ~~against~~ against the Federal sentence attaches only when the Federal detainer, is the reason the Prisoner's Failure to obtain his release or early termination of his state sentence, as with the case of MR. Maldonado in his claim before this court; Peterson v. New York State Dept of Corr. Servs, 100 A.D.2d 73, 473, N.Y.S. 2d 473, 476 (2d Dept. 1984) ~~(Interpreting 18 U.S.C. § 3568 to mean that credit be given if a State Defendant/Inmate is denied Release because of the Result of a Federal detainer.~~

39) Although these cases interpreted 18 U.S.C. § 3568<sup>10)</sup> in the context of federal detainees, the underlying principle is applicable here. If absent the federal action - here a writ (2000 U.S. Dist. LEXIS 13) of habeas corpus ad prosequendum - the petitioner would have been released under available state procedures, then credit toward his federal sentence must be given, from the issue of federal detainer 4/28/18 to 12/14/2019 is the missing credit from the sentence, Mr. Maldonado is now on, in connection with the detainer that was lodged against him, in connection with a federal offense, that was issued upon the authority of federal officers which incurred a "Conviction and Sentence" 425 F.2d at 240, Mr. Maldonado is entitled to all pre-sentence time under federal custody in connection with the detainer warrant 18 U.S.C.A. 3568. This request, it's fair and just, to deny it would cause ~~more~~ a serious injustice, and subject Mr. Maldonado to doing the same time twice violating due process and violating the Double Jeopardy clause. Does not matter who had primary custody, ~~at~~ all times related to this claim, Mr. Maldonado was in joint federal and state custody at the same time, and subjected to both ~~court~~ court jurisdictions without question, and the separation of powers between government and state allow each jurisdiction to credit Mr. Maldonado under their own jurisdiction. Separate credits can be issued, under the two jurisdictional powers of government, of the time in question 4/28/18 - 12/14/19

10) Repealed and Recodified at 18 U.S.C. § 3585(b)



40) This issue, and case is Distinguishable From any other case before this court or other Cir, Just like the Willis and Kayfez Rule Mr. Maldonado's case also creates A narrow set of Circumstances, **as well as** new circumstances never addressed in any court, as written in this claim, Also ~~also~~ involving the effective full and expiring terms of each sentence where a Federal prisoner can receive credit from both Sovereign Government while in Joint Custody. Joint credit can be issued when a person that is and inmate in state custody, as well as a pre-sentence detainee in Federal custody at the same time, AND

41) For a new set up particular circumstances particular to a stretch of incarceration tied in to the Reading of the Bail Reform Act, construing § 3585(b)(2)(3)(4)(5)(8) in conjunction, because it is a body of Law and must be read in conjunction; U.S. Supreme Court Justice Stevens J. dissented, the Supreme Court decision, that both the text and purpose of § 3585(b) contemplate that a person, like Mr. Maldonado, was confined 24 hrs a day 7 days a week, pursuant to a court order is in official detention, no matter if he is in dual sovereign jurisdiction it does not change the fact he is indeed in B.O.P. official custody, and 3585(b)(8) or 3585(1)(b)(2)(3)(4)(5)(8) provides a way 3585(8) to adopt an alternative way from 3585(b) to ~~a~~ Alternative way of construction allowing credit where a defendant is subjected to Jail-time-~~and~~ confinement, this is also another way the B.O.P. can credit Mr. Maldonado's missing time from 4/26/16 to 12/14/19 to run concurrent to his Federal sentence now.



- 42) Also Petitioner believes there may also be ~~any~~ a way for an exception to the Rule of 3585(b), if Defendant was under a court order as in this case, no matter if he was in joint custody, Defendant was Remanded to custody of The Attorney General by court order
- 43) and if credit can't be applied for whatever Reason under 3585(b) then it can be Applied under 3585(b)(5)(8) when the Supreme court Addressed the issue of 3585(b), Read in conjunction with the Bail Reform act, because it was enacted in the same statute as 3585(b) Criminal Law ~~84~~ §84 - credit for pre-sentence time served, it provides an Exception under § 3585(b)(5)(8) so that the B.O.P. can Apply pre-~~sentence~~ sentence time Mr. Maldonado spent in there custody with out a conflict of the state time provided by the state Government while Defendant was in the custody of the Federal Government when he was writed over.
- 44) 3585(b)(8) and 3585(b)(5) provides an Alternative way B.O.P. or a court, Allowing credit for all the time Mr. Maldonado spent in there case, Criminal Law 84 - credit for pre-sentence time served Read in conjunction with the Bail Reform act containing 3585(b) with the above Allows B.O.P. to credit pre-sentence time the Petitioner is Requesting from 6/6/18 to 12/14/19 with out a Double credit issue, a court order also creates an Exception to the Normal Rules b.o.p. also uses to Deny credit in Case's like Mr. Maldonado. The Request is for the court to help.
- 20

# CONCLUSION

45) There ARE A lot of Questions Mr. Maldonado Petitioner Request to be Addressed and Answered, and out of All the Important of All of them, The burning question is, does A Signed ~~ORDER~~ by a Federal court, that orders the Remand and Detention of a Defendant, to the custody of The Attorney General, and B.O.P. Create AN Exception to the way B.O.P. has ~~applied~~ applied The use over years of 3585(b)<sup>11)Footnote</sup> Interpretation VAFER, of that Interpretation to Deny pre-sentence credit time, while an inmate, pre-sentence detainee is in Joint Dual Sovereign Jurisdiction.

46) A Defendant/inmate<sup>12)</sup>/pre-trial detainee<sup>13)</sup>, is in Dual Joint Sovereign custody under both Branches of State and Federal Gov, under both Jurisdiction, each one is Allowed to issue one credit for a state term of incarceration under a court or Sentence which the State did, and the other is Allowed to issue there own credit under the Federal Detention order where a Defendant not inmate, is subjected to Jail-type confinement. § 3585 (5)(8) Read together with the Bail Reform Act Criminal Law § 84 - credit for presentence time served, which B.O.P. Did not give to MR Maldonado, between the time of 6/6/18 to 12/14/15 under a court order, The Federal Gov cannot credit Petitioner pre-sentence time to his State Sentence that credit is provide by the state Government only, and there is no Double credit issue here. BOP has not Read The Bail Reform —

11) Footnote

12) Footnote

13) Footnote

Artful Interpretation


Inmate to the State

pre-sentence person / Detainee to Gov.

21



47 ~~XXXXXX~~ Act as congress has said it needed to be, under 18 USC § 3585 (1) construing § 3585(b) in conjunction with the Bail Reform Act - as must be done because the Bail Reform Act is a Body of Law that authorizes Federal courts to place pre-sentence restraints on defendant's liberty, (as the court did on 6/6/18 when MR. Maldonado was committed to the custody of the Attorney General and the control of the B.O.P. 24/7, for 18 to 20 months, please see Criminal Law § 84 - credit for pre-sentence time served § 3585(b) (2)(3)(4)(5)(8) one of these ~~provisions~~ provisions if not all provide a way for the full pre-sentence time from 6/6/18 to 12/14/19 to be applied to MR. Maldonado current federal sentence. There is an exception within the Rule to allow full credit, that was not provided by the B.O.P.

The Request is for the court to issue all time credit from 4/28/18 to 12/14/19 Order B.O.P. to issue all missing time, or find an alternative way to allow B.O.P. to adopt the law as Congress provided its use in the Bail Reform Act, read in conjunction with 3585(1)(b) (2)(3)(4)(5)(8) as Congress indeed, intended it to be read, B.O.P. ~~does~~ Does not read it as it should be read when denying pre-sentence credit that's due. 

Footnote:  
The state maintained Primary Jurisdiction over the term of imprisonment Not over the body when transferred to another jurisdiction, the possession of the body and primary pre-sentence status was primary to the Federal Government only.

7/11/22

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48) There is another issue that needs to be addressed because there is also another way BOP can issue the missing pre-sentence credit while petitioner was in joint custody, if a defendant is being separately sentenced by a federal and state court, the credit should not be arbitrarily depend on the timing or the order of the sentencing by the two courts; that is also the issue here with MR. Maldonado claim (4) since § 3585(b) provides a right to a credit which a District court cannot determine at the time of sentencing, the Attorney General has no choice but to make the determination, for (A) 18 USC § 3621 (A) gives the A.G., ~~through~~ through the B.O.P., the responsibility of administering sentences, and (b) the BOP, in order to fulfill his duty, etc.

49) 3585(b) Alters former § 3568 in three ways replacing the term "Custody" with the term "official detention" making it clear a defendant cannot receive a double credit for detention time (but does not mention of being remanded to the Attorney General on a court order like MR. Maldonado was), (c) enlarging the class of defendants eligible to receive credit, through including not only (i) as under former § 3568, credit for time spent in custody in connection with the offense for which sentence was imposed, but also (ii) credit for time spent in ~~custody~~ official detention in connection with specified other charges, MR. Maldonado falls under (c)(1)(ii) please see page (9), (Stevens and White, JJ., dissented in part from this holding—see 112 S.Ct. 1351, 117 L.Ed.2d 593, 503 U.S. 329 U.S. v. Wilson, Criminal Law § 84; Evidence § 167—Federal credit for pre-sentence time served—Computation by A.G.



ME Maldonado OF LAW  
Requested Custody and pre-sentence time from  
4/28/18 to 12/14/19

23

The petitioner points out a very good question of Law and policy that needs to be addressed, BOP's decision to use effective full term FOR purposes of implementing § 3585(b) without Reading the Bail Reform Act in conjunction with it as Congress said it must along with the U.S. Supreme Court Criminal Law § 84-credit-for-pre-sentence time served, was a policy adopted for Administrative convenience, not because it was Law, and if BOP adopted 3585(b) for Administrative convenience (606 Fed. Appx. 662 opinion, VANASKE, Circuit Judge), then BOP can also adopt Criminal Law § 84-credit for pre-sentence time served-official-detention under 18 U.S.C.S § 3585(b)(1)(2)(3)(4)(5)(8) construing it, in conjunction with the Bail Reform act as must be done because it's a body of Law that authorizes Federal courts to place pre-sentence restraints on a defendant's liberty, as the court did when it issued the Detainer, 4/28/18, and court Remand Detention order, that Remanded MR. Maldonado to the custody of the Attorney General, and control of the B.O.P., 24/7. This was the review of the U.S. Supreme Court decision - IN- 115 SCT 2021, 132 LED 2D 46, 515 US 50 Reno v. Waring No. 94-796.

The BOP adopted 3585(b) for Administrative convenience, and it would also be reasonable for BOP to adopt the Bail Reform act read in conjunction as the above requested to also avoid the complexities and details of Rules which vary from state to state just like in the Willis and Mayez Rule, even if there is no concurrent sentences scenario 3585(b)(5)(8) OR 3585(5)(8) OR 18 U.S.C.S § 3585(b)(1)(2)(3)(4)(5)(8) read in conjunction would allow the BOP to honor the request, custody and pre-sentence jail time detention credit from 4/28/18 to 12/14/19 without any double credit issues, the use of Criminal Law § 84, provides B.O.P. away to issue their jurisdictional credit without issue, either thru a court order or BOP's adoption, it's reasonable the petitioner MR. Maldonado ~~not~~ not have to do the same prison time twice, but it's



Construction of Statute

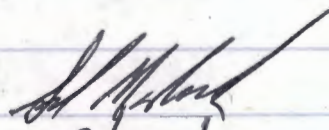
2 sided

50) An Administrative Agency's [BOP] internal guideline interpreting a statute which the Agency is charged with administering is entitled to some Judicial Deference where the guideline is a permissible construction of statute. BOP can apply and adopt the use of Criminal Law 84 - Presentence time served read in conjunction with 3585(b)(2)(3)(4)(5)(8) to apply all requested pre-trial custody without calling it a Double credit. This is a permissible construction of the statute, See 115 Sct 2021, 132 LED2D 46, 515 US 50, Reno v. Koray, Congress enacted the Bail Reform Act in the same statute as 3585(b) so that the other sections could be applied, in a case where a inmate/pre-sentence Detainee in joint custody can be applied credit where one statute may not allow the other will § 3585(b)(1)(2)(3)(4)(5)(8) Criminal Law 84 - Presentence time served, these allows BOP to Award credit while a defendant is in Dual custody, The State awards their prison term credit - And the BOP Awards credit to the Requested time without issue, under § 3585(b)(8) The 'Issue' is Remedied.

51) BOP can also Award All of Mr. Maldonado's pre-sentence time, For time served of the issue of Arrest, if it can be done from pre-sentence Detention, then it can be issued from time of Arrest which is Alternative time credit, The A.G. has the power to do this, And it lies solely with him or her and the BOP, U.S. V. Gibbs 626 F.3d 344, 2010 Fed App 0361P (6th Cir 2010), 2010 App, After Remand, 461 Fed. App'x 419, 2012 FED App. 0138W (6th Cir 2012). Under 18 USC § 3585(b) Read in conjunction with the Bail Reform Act Criminal Law 84 - presentence time served ~~and~~ 3585(b)(3)(4)(5)(8) to provide the credit petitioner seeks. From 4/28/18 Detainer arrest warrant, or From 6/6/18 to 12/14/19 court order Detention Remanded to the A.G. and Subjected to BOP control 24/7 to present, NO will be Improperly Awarded under 3585(b) if Criminal Law 84 is used as an Alternative to apply missing Jail type confinement credit, 18 USC § 3568, 115 Sct 2021, 132, LED2D 46, 515 US 50 Reno v. Koray.



MR. Maldonado would like the court to understand the reasons he is pushing these issues in the court, 18 months of jail time credit is serious to the Maldonado family and MR. Maldonado, he has been infected with COVID-19 twice, 5 family members have died in N.Y.C. Between ~~the~~ last year and now, MR. Maldonado's mother is ~~a~~ sick and his step father may die any day and if the 18 or 20 missing months are credit MR. Maldonado could be released this month or this year. There are many other reasons but the petitioner will keep it short to save court time.

  
7/29/22

## Memorandum of Law

Supporting The Fact The Bop Can Adopte  
Criminal Law 84 Rend with 3585(b)(1)(B)(V)(E) D

ible construction of the statute.

AUG - 3 2022

**Criminal Law & Procedure > Postconviction Proceedings > Imprisonment**

Where a defendant faces prosecution by both state and federal authorities, the primary custody doctrine determines where and how the defendant will serve any resulting sentence of incarceration. The basic principle is that the first sovereign to arrest the defendant is entitled to have the defendant serve that sovereign's sentence before one imposed by another sovereign. A sovereign can relinquish primary custody by releasing the defendant on bail, dismissing the charges, or granting parole. The United States Court of Appeals for the Third Circuit has explicitly recognized, however, that temporary transfer of a prisoner pursuant to a writ ad prosequendum does not constitute a relinquishment.

**Criminal Law & Procedure > Postconviction Proceedings > Imprisonment**

In the context of the primary custody doctrine, the United States Court of Appeals for the Third Circuit has held that the length of time in federal detention is irrelevant to the question of relinquishment.

**Criminal Law & Procedure > Sentencing > Credits**

The Bureau of Prisons (BOP) Program Statement 5880.28 provides that a federal prisoner can receive credit from both sovereigns for a particular stretch of incarceration under a narrow set of circumstances involving the effective full term (EFT) of each sentence. BOP Program Statement 5880.28, at 1-14 defines an EFT as the full sentence length without including any potential time credits. The Willis rule applies only if: (1) the state and federal sentences are concurrent, and (2) the state EFT is equal to or shorter than the federal EFT. BOP Program Statement 5880.28, 1-22 through 1-22A. The Kayfez rule applies only if: (1) the state and federal sentences are concurrent; (2) the state EFT is greater than the federal EFT; and (3) the state EFT, after application of qualified presentence time, is reduced to a date that is earlier than the federal EFT. BOP Program Statement 5880.28, 1-22B through 1-23A. The purpose of both rules is to address scenarios where a credit against a concurrent state sentence would not benefit the defendant except that he would be serving only one sentence instead of two concurrent ones. Crediting the disputed period against his federal sentence will correct the problem.

**Criminal Law & Procedure > Sentencing > Credits**

As the Bureau of Prisons (BOP) has interpreted 18 U.S.C.S. § 3585(b), credit towards a term of imprisonment is calculated not based on the actual length of the sentence but on the effective full term. As noted in the Kayfez decision, the BOP's decision to use effective full terms for purposes of implementing § 3585(b) was a policy adopted for administrative convenience because to do otherwise would require the BOP in all similar cases to consider the complexities and details of rules which vary from state to state. In the Kayfez decision, the United States Court of Appeals for the Seventh Circuit expressly concluded that the BOP's exclusive reliance on the full term is reasonable.

Opinion

Opinion by: VANASKIE

Opinion

03CASES

1

05439068



# MEMORANDUM OF LAW

113 SCT 2021, 132 L ED2D 46, Page 1 of 1  
515 US 50 Reno v. Kray NO 94-790.

Classified to U.S. Supreme Court Digest, Lawyers' Edition

Criminal Law § 84 - credit for presentence time served - official detention - confinement in community treatment center.

1a, 1b, 1c, 1d, 1e, 1f, 1g. A federal criminal defendant who-pursuant to a provision of the Bail Reform Act of 1984, 18 USCS § 3142(c)-is released on bail to await sentence but is ordered confined to a community treatment center, or "halfway house," is not in "official detention" under 18 USCS § 3585(b) and, therefore, is not entitled to credit under that provision against his eventual prison sentence for the time spent in the treatment center, because (1) construing § 3585(b) in conjunction with the Bail Reform Act-as must be done because the Bail Reform Act is the body of law that authorizes federal courts to place presentence restraints on a defendant's liberty, and because the Bail Reform Act was enacted in the same statute as § 3585(b)-leads to the conclusion that a defendant suffers "detention" only when committed to the custody of the Attorney General, while a defendant admitted to bail on restrictive conditions is "released," (2) other related sentencing provisions confirm the interpretation that credit under § 3585(b) for time spent in "official detention" is available only to those defendants who were detained in a penal or correctional facility and were subject to the control of the Bureau of Prisons, (3) the context of § 3585(b) strongly suggests that the period of presentence detention must be equivalent to the imprisonment itself, (4) nothing suggests that Congress, when it reworded the credit statute, replacing the term "custody" with "official detention," disagreed with the prior rule of Federal Courts of Appeals that denied credit to defendants who had been released on bail, (5) a Bureau of Prisons internal guideline requires credit for time spent under a detention order, but not for time spent under a release order, (6) a reading of § 3585(b) under which the phrase "official detention" would include the restrictive conditions of confinement to a community treatment center is not the only plausible interpretation of the language, (7) the fact that a defendant "released" to a community-treatment center may be subject to restraints which do not materially differ from those imposed on a "detained" defendant committed to the custody of the Attorney General and then assigned to a treatment center does not undercut the distinction that, unlike defendants released on bail, defendants who are detained always remain subject to the control of the Bureau of Prisons, and (8) to adopt an alternative construction allowing credit where a defendant is subject to "jail-type confinement" would require a fact-intensive inquiry into the circumstances of confinement, while the construction that confinement to a treatment center is not "detention" provides both the government and defendants with clear notice of the consequences of a Bail Reform Act "release" or "detention" order. (Stevens, J., dissented from this holding.)

As a matter of law

**Detainers:** (Further information may be obtained by contacting the detaining agency)

Detainer Date	Agency	Type	Date Canceled
04/23/2018	USM JACKSONVILLE	DETAIN	
07/03/2018	NEW YORK COMM CORR	DETAIN	

**Incarceration History:**

Date In-Custody	Date Out-Custody
04/16/2018	Out of Dept. Custody by Court Order

First Previous Next Last Return to List

New Search

Record: 1 of 1

The Florida Department of Corrections updates this information regularly, to ensure that it is complete and accurate, however this information can change quickly. Therefore, the information on this site may not reflect the true current location, status, release date, or other information regarding an inmate.

This database contains public record information on felony offenders sentenced to the Department of Corrections. This information only includes offenders sentenced to state prison or state supervision. Information contained herein includes current and prior offenses. Offense types include related crimes such as attempts, conspiracies and solicitations to commit crimes. Information on offenders sentenced to county jail, county probation, or any other form of supervision is not contained. The information is derived from court records provided to the Department of Corrections and is made available as a public service to interested citizens. The Department of Corrections makes no guarantee as to the accuracy or completeness of the information contained herein. Any person who believes information provided is not accurate may contact the Department of Corrections.

For questions and comments, you may contact the Department of Corrections, Bureau of Classification and Central Records, at (850) 488-9859 or go to [Frequently Asked Questions About Inmates for more information \(http://prod.fdc-wpws001.fdc.myflorida.com/ci/index.html\)](http://prod.fdc-wpws001.fdc.myflorida.com/ci/index.html). This information is made available to the public and law enforcement in the interest of public safety.

Search Criteria: (/OffenderSearch/search.aspx?TypeSearch=AI) Last Name: maldonado First Name: Samuel Search Aliases: YES Offense Category: County of Commitment: ALL Current Location: ALL

[Return to Corrections Offender Information Network \(/OffenderSearch/InmateInfoMenu.aspx\)](#)

<http://www.dc.state.fl.us/offenderSearch/detail.aspx?Page=Detail&DCNumber=158820&TypeSearch=AI>

Exhibit B





# UNITED STATES DISTRICT COURT

for the  
Middle District of Florida

United States of America

v.

Samuel Maldonado

*Defendant*

Case No. 3:17-cr-179-J-32PDB

## ORDER OF DETENTION PENDING TRIAL

### Part I - Eligibility for Detention

Upon the

- ☐ Motion of the Government attorney pursuant to 18 U.S.C. § 3142(f)(1), or  
☒ Motion of the Government or Court's own motion pursuant to 18 U.S.C. § 3142(f)(2),

the Court held a detention hearing and found that detention is warranted. This order sets forth the Court's findings of fact and conclusions of law, as required by 18 U.S.C. § 3142(i), in addition to any other findings made at the hearing.

### Part II - Findings of Fact and Law as to Presumptions under § 3142(e)

- ☐ **A. Rebuttable Presumption Arises Under 18 U.S.C. § 3142(e)(2) (previous violator):** There is a rebuttable presumption that no condition or combination of conditions will reasonably assure the safety of any other person and the community because the following conditions have been met:
- ☐ (1) the defendant is charged with one of the following crimes described in 18 U.S.C. § 3142(f)(1):
- ☐ (a) a crime of violence, a violation of 18 U.S.C. § 1591, or an offense listed in 18 U.S.C. § 2332b(g)(5)(B) for which a maximum term of imprisonment of 10 years or more is prescribed; or
  - ☐ (b) an offense for which the maximum sentence is life imprisonment or death; or
  - ☐ (c) an offense for which a maximum term of imprisonment of 10 years or more is prescribed in the Controlled Substances Act (21 U.S.C. §§ 801-904), the Controlled Substances Import and Export Act (21 U.S.C. §§ 951-971), or Chapter 705 of Title 46, U.S.C. (46 U.S.C. §§ 70501-70508); or
  - ☐ (d) any felony if such person has been convicted of two or more offenses described in subparagraphs (a) through (c) of this paragraph, or two or more State or local offenses that would have been offenses described in subparagraphs (a) through (c) of this paragraph if a circumstance giving rise to Federal jurisdiction had existed, or a combination of such offenses; or
  - ☐ (e) any felony that is not otherwise a crime of violence but involves:
    - (i) a minor victim; (ii) the possession of a firearm or destructive device (as defined in 18 U.S.C. § 921);
    - (iii) any other dangerous weapon; or (iv) a failure to register under 18 U.S.C. § 2250; and
- ☐ (2) the defendant has previously been convicted of a Federal offense that is described in 18 U.S.C. § 3142(f)(1), or of a State or local offense that would have been such an offense if a circumstance giving rise to Federal jurisdiction had existed; and
- ☐ (3) the offense described in paragraph (2) above for which the defendant has been convicted was committed while the defendant was on release pending trial for a Federal, State, or local offense; and
- ☐ (4) a period of not more than five years has elapsed since the date of conviction, or the release of the defendant from imprisonment, for the offense described in paragraph (2) above, whichever is later.

[Exhibit A] [1 of 3]

- ☐ **B. Rebuttable Presumption Arises Under 18 U.S.C. § 3142(e)(3) (narcotics, firearm, other offenses):** There is a rebuttable presumption that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community because there is probable cause to believe that the defendant committed one or more of the following offenses:
- ☐ (1) an offense for which a maximum term of imprisonment of 10 years or more is prescribed in the Controlled Substances Act (21 U.S.C. §§ 801-904), the Controlled Substances Import and Export Act (21 U.S.C. §§ 951-971), or Chapter 705 of Title 46, U.S.C. (46 U.S.C. §§ 70501-70508);
  - ☐ (2) an offense under 18 U.S.C. §§ 924(c), 956(a), or 2332b;
  - ☐ (3) an offense listed in 18 U.S.C. § 2332b(g)(5)(B) for which a maximum term of imprisonment of 10 years or more is prescribed;
  - ☐ (4) an offense under Chapter 77 of Title 18, U.S.C. (18 U.S.C. §§ 1581-1597) for which a maximum term of imprisonment of 20 years or more is prescribed; or
  - ☐ (5) an offense involving a minor victim under 18 U.S.C. §§ 1201, 1591, 2241, 2242, 2244(a)(1), 2245, 2251, 2251A, 2252(a)(1), 2252(a)(2), 2252(a)(3), 2252A(a)(1), 2252A(a)(2), 2252A(a)(3), 2252A(a)(4), 2260, 2421, 2422, 2423, or 2425.

☐ **C. Conclusions Regarding Applicability of Any Presumption Established Above**

- ☐ The defendant has not introduced sufficient evidence to rebut the presumption above.

**OR**

- ☐ The defendant has presented evidence sufficient to rebut the presumption, but after considering the presumption and the other factors discussed below, detention is warranted.

**Part III - Analysis and Statement of the Reasons for Detention**

After considering the factors set forth in 18 U.S.C. § 3142(g) and the information presented at the detention hearing, the Court concludes that the defendant must be detained pending trial because the Government has proven:

- ☐ By clear and convincing evidence that no condition or combination of conditions of release will reasonably assure the safety of any other person and the community.
- ☐ By a preponderance of evidence that no condition or combination of conditions of release will reasonably assure the defendant's appearance as required.

In addition to any findings made on the record at the hearing, the reasons for detention include the following:

- ☐ Weight of evidence against the defendant is strong
- ☐ Subject to lengthy period of incarceration if convicted
- ☐ Prior criminal history
- ☐ Participation in criminal activity while on probation, parole, or supervision
- ☐ History of violence or use of weapons
- ☐ History of alcohol or substance abuse
- ☐ Lack of stable employment
- ☐ Lack of stable residence
- ☐ Lack of financially responsible sureties
- ☐ Lack of significant community or family ties to this district



AO 472 (Rev. 09/16) Order of Detention Pending Trial

- ☐ Significant family or other ties outside the United States
- ☐ Lack of legal status in the United States
- ☐ Subject to removal or deportation after serving any period of incarceration
- ☐ Prior failure to appear in court as ordered
- ☐ Prior attempt(s) to evade law enforcement
- ☐ Use of alias(es) or false documents
- ☐ Background information unknown or unverified
- ☐ Prior violations of probation, parole, or supervised release

**OTHER REASONS OR FURTHER EXPLANATION:**

The United States moved for detention. The defendant stipulated to detention and waived his right to a detention hearing.

**Part IV - Directions Regarding Detention**

The defendant is remanded to the custody of the Attorney General or to the Attorney General's designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant must be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility must deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

Date: 06/06/2018



United States Magistrate Judge

BP-A0148

HSLC 10

## INMATE REQUEST TO STAFF CDFRM

U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISONS

TO: (Name and Title of Staff Member) <i>MR. Smith</i>	DATE: <i>6/10/22</i>
FROM: <i>Man Maldonado</i>	REGISTER NO.: <i>70478-018</i>
WORK ASSIGNMENT: _____	UNIT: <i>CR 302</i>

SUBJECT: (Briefly state your question or concern and the solution you are requesting. Continue on back, if necessary. Your failure to be specific may result in no action being taken. If necessary, you will be interviewed in order to successfully respond to your request.)

*IN REF: To time computation, my Release date is incorrect*

*I've been in B.O.P. custody for 4 years 48 months, under writ or no writ B.O.P. Requires credit for time spent under a detention order, Criminal Law § 84 - credit for pre-sentence time served - official detention confinement § 3585(b) Order of Detention issued on 6/6/18 by U.S. court Defendant was committed to the custody of Attorney General; Custody official detention (5) 3585(b)(5) A Bureau of Prisons internal guideline Requires credit under a Detention order*

(Do not write below this line)

## DISPOSITION:

*SEE ATTACHED FEDERAL LAW AND WRITTEN EXPLANATION.*

*[This is not an explanation, it's a statute of 3585(b), and it does not explain anything]*

Signature Staff Member <i>T. PARONE, SCS</i>	Date <i>July 1, 2022</i>
Record Copy - File; Copy - Inmate	
PDF	Prescribed by N551/

This form replaces BP-148.070 dated Oct 86 and BP-S148.070 APR 94



FAI 1330.17  
May 07, 2021  
Attachment 1

Federal Correctional Institution  
and Federal Prison Camp  
Fairton, New Jersey

ADMINISTRATIVE REMEDY PROCEDURE FOR INMATES  
INFORMAL RESOLUTION FORM

\*\*This form is to be completed by the Correctional Counselor.

Date: 7/7/22

Inmate Name: Maldonado, S Reg. No.: 70478-018 Unit: CR-302

1) The inmate's complaint: my time computation is incorrect  
been under court order since 6/6/2018

2) The relief he is requesting: to be given credit under B.O.P.  
Guideline Criminal law 89-Credit-official detention  
Classified to U.S. Court Digest Lawyers Edition 18 USC § 3585 (b) (5) (8)

3) Efforts made by the inmate to informally resolve the complaint,  
Including the names of staff he contacted: Submitted report

4) Efforts made by staff to informally resolve the complaint:  
Soc Attached Response

Date Informally Resolved: \_\_\_\_\_ -or- Date BP-229 issued: \_\_\_\_\_

[Signature]  
Counselor Signature

7/7/22  
Date

[Signature]  
Unit Manager's Signature

7/7/22  
Date

[Signature]  
Inmate's Signature

7/7/22  
Date received from staff

Exhibit B

Type or use ball-point pen. If attachments are needed, submit four copies. Additional instructions on reverse.

From: Maldonado, Samuel 70478-018 CR 302 F.C.I. Fairton  
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

Part A- INMATE REQUEST

My time computation, AND Release Date is in-correct, I've been UNDER A COURT DETENTION order since 6/6/2018, [Exhibit A, 1-3] 4 years ONE month. UNDER A writ or Not B.O.P. Rule, AND Federal Law Requires Credit For time spent under A Court order; Criminal Law § 84 - Credit For time spent under A detention OFFICIAL CONFINEMENT § 3585 (b) Exhibit B] ON 6/6/18, MR MALDONADO WAS committed to the Custody of The Attorney General, "Custody OFFICIAL Detention § 3585 (b) (5) Exhibit B A BUREAU OF PRISON Internal guideline Requires credit under A Detention order. THE plain Language OF B.O.P. and Federal Law 3585 (b) (5) (8) Requires credit. The statute is Not subjected To change or Amendment without Congressional Approval. EVEN IF A person WAS on Another Sentence AND The court WAS silent on The Issue or Not, B.O.P. must Follow its Internal Guideline. 3585 (b) (5) (8) Exhibit B] The detention order is signed by A Federal Judge and The statute must be Honored, please also see Example C under 3585 (b) (2) (3) (5) (8)  
7/7/22 All credit must be given [Signature]  
DATE SIGNATURE OF REQUESTER

Part B- RESPONSE

DATE

WARDEN OR REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the Regional Director. Your appeal must be received in the Regional Office within 20 calendar days of the date of this response.

ORIGINAL: RETURN TO INMATE

CASE NUMBER: \_\_\_\_\_

CASE NUMBER: \_\_\_\_\_

Part C- RECEIPT

Return to: \_\_\_\_\_  
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

SUBJECT: \_\_\_\_\_

DATE

RECIPIENT'S SIGNATURE (STAFF MEMBER)

Exhibit C-1



## Example C

~~Example~~ Example: If a Detainee is in Joint custody, state inmate, and Federal Detainee, this time of credit is due to any time spent in federal custody, because there is no double credit, Rule 1 to the issue, any credit Defendant would have received in state custody was not given. Based on the fact an inmate can only get good time credit for time spent in custody, then for a Defendant's good time Release date may have been July 4, 2019, but when removed from that custody Defendant must now do the full term. If a detainee is in joint custody then he must as a matter of law get time on his sentence and any time spent under a court detention order, per B.O.P. rule and Federal law. There is NO congressional Law or Statute that says otherwise, Rules cannot just be made up because someone says it is without congressional proof, to back it up, MR. Maldonado claim is supported by B.O.P. Rule, policy, and Federal law, and if it's a custom practice of courts or B.O.P., the law and congressional power does not allow it, to exist.

[Example C]



- 1) 3585(b) leads to the conclusion that a defendant suffers detention only when committed to the custody of the Attorney General, Mr. Maldonado was committed to the, and Remanded to the custody of the Attorney General by court Detention order ON 6/6/18  
~~MEMORANDUM OF LAW~~
- 2) 3585(2) ~~OTHER~~ related sentencing provision's confirm the interpretation that credit under § 3585(b) for time spent in "official detention" is Available only to those defendants who are, or where detained in a penal or correctional Facility and where subject to the control of the Bureau of Prisons, MR. Maldonado by issued Court Detention Order Date 6/6/18 was Subjected to the control of The B.O.P. when he was Remanded to the custody of the Attorney General, AND was detained in Baker County Correctional Facility under Detainer # BCS0163B000188, therefore he was indeed detained in a correctional Facility, A Jail-type-confinement, 3585(b).
- 3) 3585(4) Nothing suggests that congress, when it reworded the credit statute, replacing the term "custody" with "official detention", disagreed with the prior rule of Federal courts of Appeals that denied credit for defendants who had been released on bail, MR. Maldonado was never out on bail, he was in official detention, and whether or not he was on another sentence, B.O.P. is Required under the cited Law and its own Internal guideline to issued credit spent under a detention order (Classified to U.S. Supreme Court Digest, Lawyer's Edition Criminal Law § 84- Credit for presentence time served - official detention, under 18 USC § 3585
- 4) Construing § 3585 in conjunction with the Bail Reform Act - As must be done because bail Reform Act is the body of Law that Authorizes Federal courts to place presentence restraints on a defendant's Liberty, and Because the Bail Reform Act was enacted in the same statute as § 3585(b) leads to the conclusion that a defendant suffers "detention" only when committed to the custody of the Attorney General, AS Mr. Maldonado suffered when the court committed him to the custody of the Attorney General by issued court order on 6/6/2018



- 5) § 3585(b)(2)(3)(4)(5)(8) are all in line with Federal Law and a Bureau of Prisons internal guideline, that requires credit for time spent under a detention order, there is nothing in this Statute that Congress approved, that says none of § 3585(b)(2)(3)(4)(5)(8) Apply's to Defendant's where they were pulled over from other sentence that none of the cited case law Apply's, there is nothing in the true Statute of Law, that says "if Defendant's sentence was credit with the same time spent in Federal custody then above law does not Apply, if that was the case Congress would have wrote it in with the construction of § 3585(b) with the Bail Reform Act, in order to determine if Defendant can get credit for the requested total time in b.o.p. custody, joint custody, the Statutes have to be read together as the Law requires
- 6) The Statute of 3585(b) must be read in conjunction constraining § 3585(b) with the Bail Reform Act - as must be done because the Bail Reform Act is a body of Law as Congress intended it to be, so that there is no conflict of the issue of credit, the P.S.R. is incorrect as a matter of Law, and is based on the understanding of a probation office, that is not a lawyer or judge and has no understanding of the interpretation of Congressional Laws. The case law is classified by the U.S. Supreme Court (Stevens, J) dissented from this holding, "Credit From 6/6/18 per 3585(b)(2)(3)(4)(5)(8) Requires All the time spent under a court order must be credit to Mr. Maldonado, whether it was Primary or 2nd, Darcy Jurisdiction, B.O.P. maintained the body, the issue is not when a sentence expired, or what was credited to another sentence, this issue is the law in this memorandum, and what B.O.P. Guidelines state Defendant was in joint custody and credit as a matter of Law must be issued by State and Federal Jurisdiction. Federal and state had Jurisdiction over the body at the same time,

RECEIPT - ADMINISTRATIVE REMEDY

DATE: JULY 12, 2022

FROM: ADMINISTRATIVE REMEDY COORDINATOR  
FAIRTON FCI

TO : SAMUEL MALDONADO, 70478-018  
FAIRTON FCI UNT: C QTR: C03-302L

THIS ACKNOWLEDGES THE RECEIPT OF THE ADMINISTRATIVE REMEDY REQUEST  
IDENTIFIED BELOW:

REMEDY ID : 1126011-F1  
DATE RECEIVED : JULY 8, 2022  
RESPONSE DUE : JULY 28, 2022  
SUBJECT 1 : OTHER JAIL TIME CREDIT  
SUBJECT 2 :

Exhibit A-1